UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

AMERICAN ACCESSORIES)	
INTERNATIONAL LLC,)	
Plaintiff,)	
v.)	No. 3:15-CV-49-TAV-HBG
CONOPCO INC. d/b/a UNILEVER and UNILEVER UNITED STATES, INC.,)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the referral of the Honorable Thomas A. Varlan, Chief United States District Judge.

Now before the Court is Plaintiff's Motion for Scheduling Conference [Doc. 18], in which Plaintiff moves the Court to either conduct a scheduling conference or enter a scheduling order. This motion is fully briefed and is ripe for adjudication. [See Docs. 20, 21]. The parties appeared before the undersigned, via telephone, on November 12, 2015, to address this motion. Counsel for the parties confirmed that they had not exchanged initial disclosures or conducted a Rule 26(f) conference. Plaintiff maintains that the Court should enter a scheduling order so that the parties can undertake their Rule 26 obligations. Defendant argues that the Court should delay entering a scheduling order based upon its pending Motion to Dismiss.

The Court has considered the parties' positions, and the Court finds that the Plaintiff's request that the Court enter a scheduling order is well-taken. The Court finds that a scheduling order is needed to govern this litigation. See Fed. R. Civ. P. 16. Defendant has not cited the Court to any case law finding that a scheduling order should not be entered when a dispositive

motion is pending, nor is the undersigned aware of any such case law. Accordingly, the

undersigned will recommend that the Chief District Judge enter a scheduling order.

The Court finds that conducting a Rule 26(f) conference and exchanging initial

disclosures will not be overly burdensome and will provide the parties with important

information about this case. The Chief District Judge's standard scheduling order¹ directs that

the parties conduct their Rule 26(f) conference within fifteen days of entry of the scheduling

order. Further, it directs that they make initial disclosures and file their discovery plan within ten

days of the conference, see \P 3(a)-(c). The Court expects that the parties will comply with these

directives. After completing these initial discovery obligations under Rule 26, the Defendant may

file a motion to stay additional discovery if it deems such a motion to be appropriate.

Based upon the foregoing, the Motion for Scheduling Conference [Doc. 18] is

GRANTED, and the undersigned RECOMMENDS that the Chief District Judge enter a

scheduling order.

IT IS SO ORDERED.

ENTER:

Bruce Jahan United States Magistrate Judge

¹ Available at: http://www.tned.uscourts.gov/judges.php?judge=7

2